

## **Remarks**

In the present response, two claims (13, 14) are amended; and one claim (20) is newly added. No new matter is presented. Claims 1 – 20 are presented for examination.

### **I. Claim Rejections: 35 USC § 103(a)**

Claims 1, 5-7, and 11-16 are rejected under 35 USC § 103(a) as being unpatentable over USPN 5,502,636 (Clark). Applicants respectfully traverse.

Clark provides coupon advertisements to customers over cable and TV (2: 33 – 41). Customers use a telephone to order coupons (2: 41 – 45). In response to these telephone calls, profiles for each customer are created and coupon packages are shipped to the customers (2: 48 – 64). If a customer redeems a coupon, then redemption data is stored in a database (2: 65 – 3: 2).

Independent claims 1, 7, and 13 recite numerous recitations that are not taught or suggested in Clark. By way of example, the independent claims recite segmenting or separating customers twice. For instance, claim 1 recites that each customer is first segmented into one of plural segments for each of plural promotions. These customers are then separated based on responses to said plurality of promotions. Clark does not teach or even suggest segmenting and separating the same customers twice as claimed.

The Office Action argues that customers in Clark are first segmenting based on whether they respond to an advertisement request for coupons. The Office Action argues that the customers in Clark are then further separated based on whether they redeem their coupons. In fact, the Office Action even states that customers in Clark are separated the second time “based on their redemption or non-redemption of the coupons they requested” (see OA at p. 3). In other words, the Office Action argues and admits that the customers in Clark are separated the second time based on whether they redeem coupons. This teaching in Clark is in direct contrast to the recitations of the claims.

The independent claims recite that the customers are separated the second time based on how they responded to the promotions. In other words, the independent claims recite two separations: a first separation based on responses to a promotion and then a second separation based on responses to the promotions. By contrast, the second

separation in Clark is not based on responses to promotions, but whether customers redeemed their coupons. This represents a significant difference.

Applicants reiterate that the Office Action argues and admits that Clark performs the second separation based on whether customers redeem coupons. This second separation, though, is not based on the promotions initially made to the customers. These initial promotions in Clark were designed to elicit customers to telephone a coupon dispense source and request coupons.

In short, Clark does not teach or suggest all of the elements in the independent claims are actually recited in the claims themselves.

For at least these reasons, the independent claims and their respective dependent claims are not taught or suggested in Clark.

## **II. Claim Rejections: 35 USC § 103(a)**

Claims 2-4, 8-10, and 17-19 are rejected under 35 USC § 103(a) as being unpatentable over USPN 5,502,636 (Clark) in view of USPN 4,872,113 (Dinerstein). Applicants respectfully traverse.

As noted above in section I, Clark fails to teach or suggest all the elements of the independent claims. Dinerstein fails to cure the deficiencies of Clark. Thus, for at least the reasons provided with respect to the independent claims, dependent claims 2-4, 8-10, and 17-19 are allowable over Clark and Dinerstein.

## **III. New Claim**

Applicants add new dependent claim 20. Applicants respectfully ask the Examiner to consider allowing this claim since it recites recitations not taught or suggested in the art of record.

### **CONCLUSION**

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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